

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

CHERYL FEARLY

Plaintiff,

v.

SOCIAL SECURITY ADMINISTRATION,

Defendant.

Case No.: 2:13-cv-02282-RFB-VCF

**ORDER ACCEPTING REPORT &
RECOMMENDATION OF MAGISTRATE
JUDGE V. CAM FERENBACH**

Before the Court for consideration is the Report and Recommendation (ECF No. 16) of the Honorable V. Cam Ferenbach, United States Magistrate Judge, entered July 25, 2014.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). A party may file specific written objections to the findings and recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Local Rule IB 3-2(a). When written objections have been filed, the district court is required to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); see also Local Rule IB 3-2(b). Where a party fails to object, however, a district court is not required to conduct “any review,” *de novo* or otherwise, of the report and recommendations of a magistrate judge. Thomas v. Arn, 474 U.S. 140, 149 (1985).

Pursuant to Local Rule IB 3-2(a), objections were due by August 11, 2014. No objections have been filed. The Court has reviewed the record in this case and concurs with the Magistrate Judge's recommendations that Plaintiff's claims under the Fourth, Fifth, Eighth, and Fourteenth Amendments be **dismissed with prejudice**, that Plaintiff's breach of contract, breach of fiduciary duty, and failure to exercise due diligence claims be **dismissed with prejudice**, and that Plaintiff's state law claims should be **dismissed without prejudice**. The Report further recommends that Plaintiff's (ECF No. 10) Motion to Dismiss be **granted**, and that Defendant's (ECF No. 13) Motion to Amend be **denied**. The Court has determined that the Magistrate Judge's Report and Recommendation should be **ACCEPTED** and **ADOPTED** to the extent that it is not inconsistent with this opinion.

IT IS THEREFORE ORDERED that the Report and Recommendation (ECF No. 16) is **ACCEPTED and ADOPTED in full**. Plaintiff's claims under the Fourth, Fifth, Eighth, and Fourteenth Amendments are **Dismissed with Prejudice**. Plaintiff's breach of contract, breach of fiduciary duty, and failure to exercise due diligence claims are **Dismissed with Prejudice**. Plaintiff's state law claims are **Dismissed without Prejudice**.

IT IS FURTHER ORDERED that Plaintiff's (ECF No. 10) Motion to Dismiss be **granted** and that Defendant's (ECF No. 13) Motion to Amend be **denied**.

The Clerk shall enter judgment accordingly and close case.

DATED this 21st day of November, 2014.



RICHARD F. BOULWARE, II.
United States District Court Judge